

FIRST REGULAR SESSION

HOUSE BILL NO. 491

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor), HINSON AND MCKENNA (Co-sponsors).

0531L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 320, RSMo, by adding thereto five new sections relating to the regulation and licensing of fire equipment distributors.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 320, RSMo, is amended by adding thereto five new sections, to be
2 known as sections 320.500, 320.502, 320.504, 320.506, and 320.508, to read as follows:

320.500. 1. Sections 320.500 to 320.508 shall be known and may be cited as the
2 **"Fire Equipment Distributors Regulation and Licensing Law".**

3 **2. As used in sections 320.500 to 320.508, the following terms shall mean:**

4 **(1) "Activity", inspecting, installing, maintaining, and servicing of portable fire**
5 **extinguishers, and the designing, certifying, inspecting, installing, maintaining, or servicing**
6 **of fire suppression systems, other than fire sprinkler systems, or engaging in hydrostatic**
7 **testing of United States Department of Transportation or nonDepartment of**
8 **Transportation fire protection cylinders;**

9 **(2) "Board", the fire equipment distributor and employee advisory board;**

10 **(3) "Certificate of registration" or "certificate", the document issued by the state**
11 **fire marshal to a distributor authorizing the distributor to engage in such activities as**
12 **defined by rule;**

13 **(4) "Certify", to attest to the proper charging, filling, functioning, hydrostatic**
14 **testing, inspection, installation, maintenance, recharging, refilling, repair, service, or**
15 **testing of portable fire extinguishers, United States Department of Transportation or**
16 **nonDepartment of Transportation protection cylinders, or preengineered fire suppression**
17 **systems other than fire sprinkler systems in accordance with all applicable engineered**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 specifications, manufacturer's requirements, and per the inspection, testing, and
19 maintenance chapters as set forth in the applicable National Fire Protection Association
20 (NFPA) codes and standards and the manufacturer's installation manuals;

21 (5) "Class A Fire Equipment Distributor Certification", the certificate issued by
22 the state fire marshal authorizing a fire equipment distributor to engage in the activity of
23 certifying, inspecting, installing, maintaining, hydrostatically testing, or servicing portable
24 fire extinguishers;

25 (6) "Class B Fire Equipment Distributor Certification", the certificate issued by
26 the state fire marshal authorizing a fire equipment distributor to engage in the designing,
27 certifying, inspecting, installing, maintaining, hydrostatically testing, or servicing
28 preengineered kitchen fire suppression systems containing wet chemical agents. Such
29 certification does not include fire sprinkler systems;

30 (7) "Class C Fire Equipment Distributor Certification", the certificate issued by
31 the state fire marshal authorizing a fire equipment distributor to engage in the designing,
32 certifying, inspecting, installing, maintaining, hydrostatically testing, or servicing
33 preengineered industrial fire suppression systems. Such certification does not include fire
34 sprinkler systems;

35 (8) "Class 1 Fire Equipment Employee License", the license issued by the state fire
36 marshal authorizing a fire equipment distributor's employee to engage in the activity of
37 certifying, inspecting, installing, maintaining, hydrostatically testing, or servicing portable
38 fire extinguishers;

39 (9) "Class 2 Fire Equipment Employee License", the license issued by the state fire
40 marshal authorizing a fire equipment distributor's employee to engage in the designing,
41 certifying, inspecting, installing, maintaining, hydrostatically testing, or servicing of
42 preengineered kitchen fire suppression systems containing wet chemical agents. Such
43 license does not include fire sprinkler systems;

44 (10) "Class 3 Fire Equipment Employee License", the license issued by the state fire
45 marshal authorizing a fire equipment employee to engage in the inspecting, maintaining,
46 hydrostatically testing, or servicing of preengineered kitchen fire suppression systems
47 containing wet chemical agents. Such license does not include fire sprinkler systems;

48 (11) "Class 4 Fire Equipment Employee License", the license issued by the state fire
49 marshal authorizing a fire equipment employee to engage in the designing, certifying,
50 inspecting, installing, maintaining, hydrostatically testing, or servicing of preengineered
51 dry chemical industrial fire suppression systems. Such license does not include fire
52 sprinkler systems;

53 (12) "Class 5 Fire Equipment Employee License", the license issued by the state fire
54 marshal authorizing a fire equipment employee to engage in the inspecting, maintaining,
55 hydrostatically testing, or servicing of preengineered dry chemical industrial fire
56 suppression systems. Such license does not include fire sprinkler systems;

57 (13) "Employee", a person who works for a fire department distributor on a full-
58 time or part-time basis in return for financial or other compensation. For purposes of the
59 licensing requirements:

60 (a) Employees does not include administrative or sales personnel who do not
61 certify, inspect, install, maintain, hydrostatically test, or service fire protection equipment;

62 (b) The distributor's owner or owners shall be deemed employees if they are or will
63 be physically certifying, inspecting, installing, maintaining, hydrostatically testing, or
64 servicing fire protection equipment and systems;

65 (14) "Fire equipment distributor", a sole proprietorship, partnership, corporation,
66 limited liability company, or any other entity that has been granted certification by the
67 state fire marshal and that designs, certifies, services, recharges, hydrostatically tests,
68 inspects, installs, maintains, alters, repairs, or replaces portable fire extinguishers or
69 preengineered wet chemical or dry chemical fire suppression systems other than burglar
70 and fire alarm systems or fire sprinkler systems for customers, clients, or other third
71 parties;

72 (15) "Fire protection equipment and systems", any system or equipment relating
73 to portable fire extinguishers and preengineered wet chemical and preengineered dry
74 chemical fire suppression;

75 (16) "Hydrostatic testing", pressure testing fire protection cylinders by approved
76 hydrostatic test methods in accordance with NFPA codes and standards or the United
77 States Department of Transportation regulations;

78 (17) "Inspection", a visual examination of a fire extinguisher or a preengineered
79 fire suppression system or portion thereof to verify that it is available in its designated
80 place and has not been actuated or tampered with, appears to be in operating condition,
81 and is free of physical damage;

82 (18) "Installation", the initial placement of a portable fire extinguisher, fire
83 suppression equipment or extension, or alteration after initial placement in compliance
84 with manufacturer's specifications and NFPA codes and standards;

85 (19) "Kitchen fire suppression system", those specific fire suppression systems
86 designed to protect appliances with commercial cooking operations;

87 (20) "License", the document issued by the state fire marshal to an employee of a
88 certified firm authorizing the employee to engage in the activities defined by rule;

89 (21) "Maintenance", a determination by a licensed employee of a certified
90 distributor that a fire extinguisher or fire suppression system should operate effectively
91 and safely. Maintenance includes a thorough examination and any necessary repair or
92 replacement, checking the date of manufacture or last hydrostatic test to determine if
93 internal examination of the cylinder or hydrostatic testing is necessary, and checking for
94 cuts, bulges, dents, abrasions, corrosion, condition of paint, shell hanger attachment,
95 maintenance of nameplate, weight of contents, pressure gauge, valve, removal of pull pin,
96 discharge nozzle, hose assembly, and operating;

97 (22) "National Fire Protection Association" or "NFPA", a nationally recognized
98 standards development organization;

99 (23) "NonDepartment of Transportation fire extinguisher cylinders", fire
100 extinguisher cylinders not manufactured, tested, or stamped with a specification number
101 as required by the United States Department of Transportation and which are labeled as
102 "Meets DOT Requirements";

103 (24) "Preengineered fire suppression systems", wet chemical or dry chemical fire
104 suppression systems which consist of system components designed to be installed according
105 to pretested limitations as listed by a testing laboratory and are intended to be installed
106 within the limitations that have been established by the listing;

107 (25) "Portable fire extinguisher", a portable device containing a suppression agent
108 that can be expelled under pressure for the purpose of suppressing or extinguishing a fire
109 and includes wheeled portable fire extinguishers;

110 (26) "Recharge", the replacement of the suppression agent, the expellant gas, or
111 both;

112 (27) "Service", the act or repairing or replacement of fire protection equipment or
113 systems to ensure the proper functioning of the equipment or systems;

114 (28) "State fire marshal", the state fire marshal selected under sections 320.200 to
115 320.270;

116 (29) "Trainee", a person who is permitted to work under the direct supervision and
117 accompaniment of a licensed employee from the same certified distributor and who holds
118 a valid permit to perform the same acts as the licensed employee.

320.502. 1. There is hereby established within the division of fire safety the "Fire
2 Equipment Distributors and Employees Advisory Board". The board shall consist of nine
3 members appointed by the governor with the advice and consent of the senate. Six
4 members shall represent fire equipment distributors in this state subject to sections 320.500
5 to 320.508. Two members shall be active fire service representatives not licensed under
6 sections 320.500 to 320.508. One member shall represent the general public who is not

7 licensed under sections 320.500 to 320.508. The state fire marshal shall be an ex officio
8 member of the board.

9 2. Members of the board shall be citizens of the United States and residents of this
10 state.

11 3. Each board member shall serve for a term of four years and until his or her
12 successor is appointed; except that, in making the initial appointments to the board, four
13 members shall be appointed for a term of three years, three members shall be appointed
14 for a term of two years, and one member shall be appointed for a term of one year. Any
15 vacancy on the board shall be filled for the remainder of the unexpired term of such
16 member.

17 4. Board members shall receive no compensation for their service on the board but
18 may be reimbursed for their actual and necessary expenses incurred in connection with
19 their duties as members of the board.

20 5. The board, in consultation with the office of the state fire marshal, shall set the
21 amount of the fees authorized under sections 320.500 to 320.508 by rule. All moneys
22 collected under sections 320.500 to 320.508 shall be deposited in the fire equipment
23 distributor fund.

24 6. The board shall promulgate rules to implement the provisions of sections 320.500
25 to 320.508, including but not limited to certification, licensing, and regulation of the
26 following categories: "Class A Fire Equipment Distributor Certification", "Class B Fire
27 Equipment Distributor Certification", "Class C Fire Equipment Distributor
28 Certification", "Class 1 Fire Equipment Employee License", "Class 2 Fire Equipment
29 Employee License", "Class 3 Fire Equipment Employee License", "Class 4 Fire
30 Equipment Employee License", and "Class 5 Fire Equipment Employee License".

31 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is
32 created under the authority delegated in sections 320.500 to 320.508 shall become effective
33 only if it complies with and is subject to all of the provisions of chapter 536 and, if
34 applicable, section 536.028. Sections 320.500 to 320.508 and chapter 536 are nonseverable
35 and if any of the powers vested with the general assembly pursuant to chapter 536 to
36 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
37 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
38 after August 28, 2013, shall be invalid and void.

320.504. 1. On or after January 1, 2014, no person or firm shall be engaged in the
2 activity of certifying, inspecting, installing, maintaining, and servicing portable fire
3 extinguishers, or designing, certifying, inspecting, installing, repairing, recharging,
4 maintaining, or servicing preengineered wet chemical or preengineered dry chemical fire

5 suppression systems, and hydrostatic testing of wet chemical or dry chemical fire
6 suppression system cylinders or portable fire extinguishers in this state unless such person
7 holds a current and valid certification or license issued by the state fire marshal.

8 2. No firm shall be engaged in the activity of certifying, inspecting, installing,
9 maintaining, and servicing portable fire extinguishers, or designing, certifying, inspecting,
10 installing, repairing, recharging, maintaining, or servicing of preengineered wet chemical
11 or preengineered dry chemical industrial fire suppression systems, and hydrostatic testing
12 of wet chemical or dry chemical fire suppression system cylinders or portable fire
13 extinguishers unless such firm holds a current and valid class A, class B, or class C fire
14 equipment distributor certification.

15 3. No person other than a fire equipment employee trainee shall be engaged in the
16 activity of certifying, inspecting, installing, maintaining, and servicing portable fire
17 extinguishers, or designing, certifying, inspecting, installing, repairing, recharging,
18 maintaining, or servicing of preengineered wet chemical or preengineered dry chemical
19 industrial fire suppression systems, and hydrostatic testing of wet chemical or dry chemical
20 industrial fire protection system cylinders or portable fire extinguishers unless such person
21 holds a current and valid class 1, class 2, class 3, class 4, or class 5 fire equipment employee
22 license.

23 4. No person designated a fire equipment employee trainee shall be engaged in the
24 activity of certifying, inspecting, installing, maintaining, and servicing portable fire
25 extinguishers, or designing, certifying, inspecting, installing, repairing, recharging,
26 maintaining, or servicing of preengineered wet chemical or preengineered dry chemical fire
27 suppression systems, and hydrostatic testing of wet chemical or dry chemical fire
28 protection system cylinders or portable fire extinguishers unless such person holds a
29 current and valid fire equipment employee trainee permit and is under the direct
30 supervision of a person holding a current and valid fire equipment employee license to
31 perform the same acts.

32 5. An application for licensure under sections 320.500 to 320.508 shall be on a form
33 prescribed by the state fire marshal and accompanied by the required application fee. An
34 application shall be verified and shall include such information as established by rule.

 320.506. 1. The state fire marshal shall issue a class A fire equipment distributor
2 certification to a company that is engaged in the business of servicing, recharging,
3 repairing, hydrostatically testing, installing, maintaining, or inspecting portable fire
4 extinguishers, and complies with the following:

5 (1) Pays a periodic certification fee established by rule;

6 (2) Evidence of registration as a Missouri corporation or evidence of compliance
7 with the Missouri fictitious name act;

8 (3) Evidence of financial responsibility in a minimum amount of three hundred
9 thousand dollars through liability insurance, self-insurance, group insurance, group self-
10 insurance, or risk retention groups;

11 (4) Possess all of the equipment, tools, manuals and NFPA codes and standards
12 required to properly inspect, install, maintain, recharge, and repair portable fire
13 extinguishers;

14 (5) Evidence of owning, leasing, renting, or having access to a firm that has the
15 proper testing equipment that is in compliance with the national standards adopted by the
16 state fire marshal for hydrostatically testing portable fire extinguishers.

17 2. The state fire marshal shall issue a class B fire equipment distributor
18 certification to a company that is engaged in the business of designing, servicing,
19 recharging, repairing, hydrostatically testing, installing, maintaining, or inspecting all
20 types of preengineered wet chemical fire suppression systems, and complies with the
21 following:

22 (1) Pays a periodic certification fee established by rule;

23 (2) Evidence of registration as a Missouri corporation or evidence of compliance
24 with the Missouri fictitious name act;

25 (3) Evidence of financial responsibility in a minimum amount of one million dollars
26 through liability insurance, self-insurance, group insurance, group self-insurance, or risk
27 retention groups;

28 (4) Possess all of the equipment, tools, manuals and NFPA codes and standards
29 required to properly inspect, install, maintain, and recharge preengineered wet chemical
30 fire suppression systems;

31 (5) Evidence of owning, leasing, renting, or having access to a firm that has the
32 proper testing equipment that is in compliance with the national standards adopted by the
33 state fire marshal for hydrostatically testing preengineered wet chemical fire suppression
34 system cylinders.

35 3. The state fire marshal shall issue a class C fire equipment distributor
36 certification to a company that is engaged in the business of designing, servicing,
37 recharging, repairing, hydrostatically testing, installing, maintaining, or inspecting all
38 types of preengineered dry chemical industrial fire suppression systems, and complies with
39 the following:

40 (1) Pays a periodic certification fee established by rule;

41 **(2) Evidence of registration as a Missouri corporation or evidence of compliance**
42 **with the Missouri fictitious name act;**

43 **(3) Evidence of financial responsibility in a minimum amount of one million dollars**
44 **through liability insurance, self-insurance, group insurance, group self-insurance, or risk**
45 **retention groups;**

46 **(4) Possess all of the equipment, tools, manuals and NFPA codes and standards**
47 **required to properly inspect, install, maintain, and recharge all preengineered dry**
48 **chemical fire suppression systems;**

49 **(5) Evidence of owning, leasing, renting, or having access to a firm that has the**
50 **proper testing equipment that is in compliance with the national standards adopted by the**
51 **state fire marshal for hydrostatically testing preengineered dry chemical industrial fire**
52 **suppression system cylinders.**

53 **4. The state fire marshal shall issue a class 1 fire equipment employee license to an**
54 **individual that services, recharges, hydrostatically tests, installs, maintains, or inspects**
55 **portable fire extinguishers, and complies with the following:**

56 **(1) Pays a periodic license fee established by rule;**

57 **(2) Possesses a document or certificate issued by an organization acceptable to the**
58 **state fire marshal that certifies that the individual has attended a classroom or online**
59 **training course on portable fire extinguishers and passed an examination that, at a**
60 **minimum, is based on the contents of the current NFPA 10 Standard for Portable Fire**
61 **Extinguishers.**

62 **5. The state fire marshal shall issue a class 2 fire equipment employee license to an**
63 **individual that services, recharges, hydrostatically tests, installs, maintains, or inspects**
64 **preengineered wet chemical kitchen fire suppression systems, and complies with the**
65 **following:**

66 **(1) Pays a periodic license fee established by rule;**

67 **(2) Possesses a document or certificate issued by an organization acceptable to the**
68 **state fire marshal that certifies that the individual has successfully completed training and**
69 **an examination verified by a preengineered system manufacturer, an agent of a**
70 **preengineered system manufacturer, or an organization that is approved by the state fire**
71 **marshal.**

72 **6. The state fire marshal shall issue a class 3 fire equipment employee license to an**
73 **individual that services, recharges, hydrostatically tests, maintains, or inspects**
74 **preengineered kitchen fire suppression systems, and complies with the following:**

75 **(1) Pays a periodic license fee established by rule;**

(2) Has successfully completed training by a certified fire equipment distributor or the system manufacturer;

(3) Possesses a document or certificate issued by an organization acceptable to the state fire marshal that certifies that the individual has successfully passed a written or online examination for preengineered wet chemical kitchen fire suppression system maintenance that is approved by the state fire marshal.

7. The state fire marshal shall issue a class 4 fire equipment employee license to an individual that services, recharges, hydrostatically tests, installs, maintains, or inspects preengineered dry chemical industrial fire suppression systems, and complies with the following:

(1) Pays a periodic license fee established by rule;

(2) Has successfully completed training by a certified fire equipment distributor or the system manufacturer;

(3) Possesses a document or certificate issued by an organization acceptable to the state fire marshal that certifies that the individual has successfully passed an examination verified by a preengineered system manufacturer, an agent of a preengineered system manufacturer, or an organization that is approved by the state fire marshal.

8. The state fire marshal shall issue a class 5 fire equipment employee license to an individual that services, recharges, hydrostatically tests, maintains, or inspects preengineered dry chemical industrial fire extinguishing systems, and complies with the following:

(1) Pays a periodic license fee established by rule;

(2) Has successfully completed training by a certified fire equipment distributor or the system manufacturer;

(3) Possesses a document or certificate issued by an organization acceptable to the state fire marshal that certifies that the individual has successfully passed a written or online examination for preengineered industrial fire suppression system maintenance that is approved by the state fire marshal.

9. Upon receipt of a completed application form established by rule, the state fire marshal shall issue a fire equipment employee training permit for a limited period of time, established by rule, to an individual that is limited to performing work under the direct supervision and in the immediate presence of a licensed fire equipment worker that is licensed to perform the same work.

320.508. Any person aggrieved by an order or act of the board or office of the state fire marshal under sections 320.500 to 320.508, or any rule promulgated thereunder, may with fifteen days' notice appeal from such order or act to the board. Upon receipt of a

4 notice of appeal, the board shall, within fifteen days, issue an appropriate order either
5 approving or disapproving the order or act. A copy of the order of the board shall be given
6 to all interested parties. Within thirty days after any order or act of the board, any person
7 aggrieved by a final order of the board may seek judicial review as provided in chapter
8 536.

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